

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO. 328 OF 2016
IN
NOTICE OF MOTION NO. 1355 OF 2011
IN
SUIT NO. 942 OF 2011
WITH
NOTICE OF MOTION NO. 1430 OF 2016
IN
APPEAL NO. 328 OF 2016**

M/s. Meeti Developers Pvt. Ltd. .. Appellant
versus
Vijay Papneja & Anr. .. Respondents

Mr. Omkar Kulkarni i/b. Ms Reena Salunkhe for Appellant.
Mr. H. Toor with Mr. Rakesh Singh and A. R. Shaikh for Respondent
No. 2.

**CORAM: DR. MANJULA CHELLUR, C. J. AND
M. S. SONAK, J.**

DATE : 22 SEPTEMBER 2016

P.C.:

1] Since the main suit was dismissed for non prosecution on 5th January 2016, we are of the opinion that nothing remains for us to consider this matter. However, learned counsel for appellant submits that already an application for restoration of the suit is filed and is pending. In that view of the matter, we dispose of the appeal reserving liberty to the appellant to seek restoration of the appeal in case suit is restored.

2] In view of disposal of the appeal, notice of motion does not survive and is disposed of accordingly.

CHIEF JUSTICE

(M. S. SONAK, J.)